

United States District Court  
Southern District of Texas  
ENTERED

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
BROWNSVILLE DIVISION**

JUN 19 2008

Michael N. Milby, Clerk of Court  
By Deputy Clerk marez

ANGEL A. NUNO,

**Petitioner,**

v.

**MARCY FORMAN, JOHN FERGUSON,  
DHS Director MICHAEL CHERTOFF,  
CBP JOSE AGUILAR, and  
THE UNITED STATES OF AMERICA,**

## **Respondents.**

**CIVIL ACTION NO. B-08-267**

## **ORDER & OPINION**

BE IT REMEMBERED, that on June 19, 2008, the Court **GRANTED** Petitioner's Notice of Voluntary Dismissal, Dkt. Nos. 5, 6. Petitioner Angel A. Nuno initiated this action against Respondents Marcy Forman, John Ferguson, Michael Chertoff, Jose Aguilar, and the United States of America on June 13, 2008. Dkt. No. 1. Respondents have not entered an appearance in this case, or filed an answer or motion for summary judgment. Petitioner now dismisses its claims against Respondents pursuant to Rule 41(a)(1)(i). FED. R. CIV. P. 41(a)(1)(i) ("[A]n action may be dismissed by the plaintiff without an order of court . . . by filing a notice of dismissal at any time before service by the adverse party of an answer or of a motion for summary judgment, whichever occurs first."). Therefore, pursuant to Federal Rule of Civil Procedure 42(a)(1)(i), the Court **GRANTS** Petitioner's Notice of Voluntary Dismissal, Dkt. Nos. 5, 6. The instant action is hereby dismissed without prejudice as to all Respondents. Respondent Marcy Forman's Motion for Lisa Luis to appear pro hac vice, Dkt. No. 4, is **DISMISSED** as moot. The District Clerk is **ORDERED** to close the case.

DONE at Brownsville, Texas, on June 19, 2008.

June 19, 2008.

Hilda G. Tagle  
United States District Judge